EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Montana State Board of Land Commissioners
Trust Land Management Division
PO Box 201601
Helena, MT 59620-1601

2. Type of action: Permit Registration for Groundwater Use Within the National Park Service Compact Area No. 76I 30151197

3. Water source name: Groundwater

4. Location affected by project: NENWSW and S2SWNW Section 36, Township 31N, Range 17W, Flathead County, Montana.

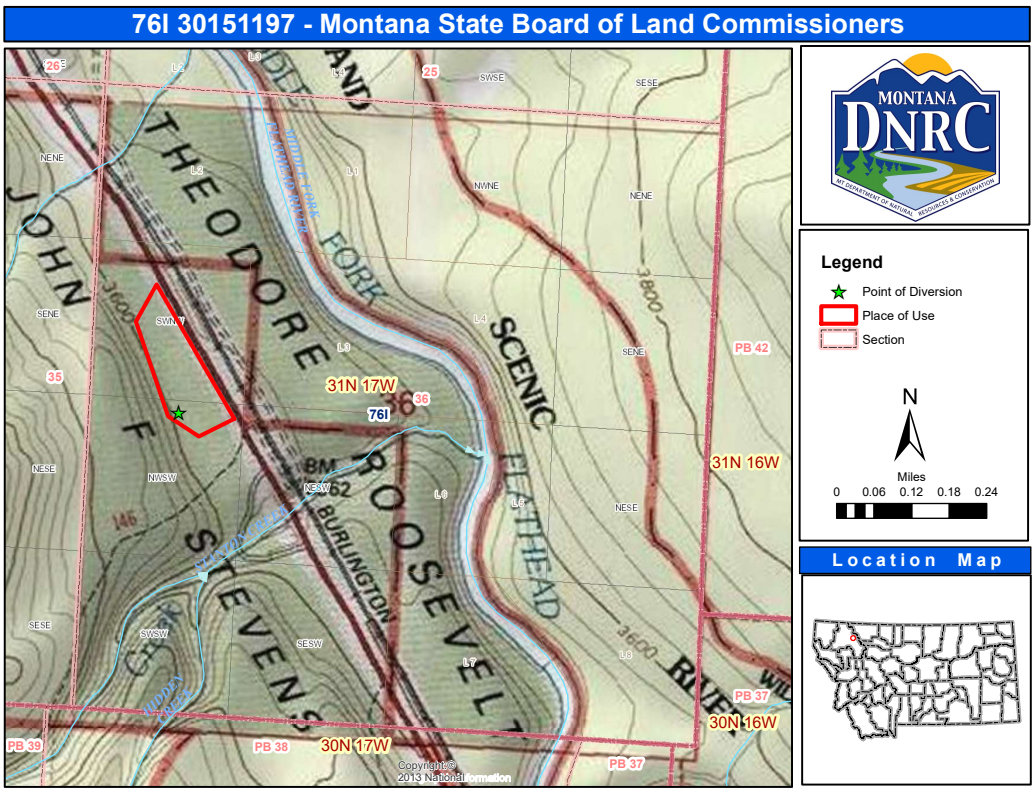

Figure 1. Map of the proposed place of use and point of diversion.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

This application is to obtain a water use permit for a developed spring located within the Glacier National Park Compact Area. The Applicant proposes to divert water at a rate of 31.0 gallons per minute (GPM) up to 9.18 acre-feet (AF) per year. The proposed appropriation is for commercial use from January 1 – December 31. The requested permit will provide water to all existing uses as well as newly constructed rental lodging and support facilities. The existing and proposed improvements associated with this project are located on leased land owned by the State of Montana. An existing water right for domestic use exists from this spring for this project area but will be withdrawn upon issuance of this permit. The point of diversion (POD) is in the NENWSW Section 36, Township 31N, Range 17W, Flathead County, Montana. The place of use is in the NENWSW and S2SWNW Section 36, Township 31N, Range 17W, Flathead County, Montana. The point of diversion and place of use is in the Middle Fork Flathead River Basin (76I).

The DNRC shall issue a water use permit if the Applicant proves the criteria in 85-20-401 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center
- U.S. Natural Resource Conservation Service (NRCS): Web Soil Survey
- U.S. National Park Service (NPS) Water Rights Branch

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity **-** *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Applicant proposes to divert groundwater from a developed spring that is approximately 0.3 miles west of the Middle Fork Flathead River and 0.25 miles north of Stanton Creek, which is

tributary to the Middle Fork Flathead River. The Middle Fork Flathead River is not identified by the DFWP as a chronically or periodically dewatered stream.

Determination: No significant impact.

Water quality **-** *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

The Applicant proposes to divert and use groundwater. The reach of the Middle Fork Flathead River which may be depleted by groundwater use is listed as fully supporting for all beneficial uses for which it has been assessed. It is not anticipated that groundwater diversion by the Applicant's developed spring will have negative impacts on the water quality of the Middle Fork Flathead River.

Determination: No significant impact.

Groundwater **-** *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

The Applicant will divert groundwater from the aquifer at a rate of 31.0 GPM. The developed spring water gravity flows to a pump house. A booster pump then conveys the water to the place of use. The spring is approximately 0.3 miles west of the Middle Fork Flathead River and 0.25 miles north of Stanton Creek. The NPS objected to this application, therefore the flow rate and volume will be included in the calculation of total consumptive use for the Middle Fork Flathead River per the Glacier National Park Compact.

Determination: No significant impact.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

The means of diversion (developed spring) was designed by a Professional Engineer licensed in the State of Montana. Since this is a groundwater appropriation, there will be no channel impacts, flow modifications, barriers, dams, or riparian impacts to the Middle Fork of the Flathead River. This spring development will not interfere with any constructed wells.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species **-** *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants, or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern" in Township 31N, Range 17W that could be impacted by the proposed project. 13 animal and eight (8) plant species of concern (Tables 1 and 2, respectively) were identified within the township and range where the project is located. Of these species, the Canada Lynx (Lynx canadensis), the Grizzly Bear (Ursus arctos), and the Bull Trout (Salvelinus confluentus) are listed as threatened by the USFWS. An adequate quantity of water will still exist in the adjacent surface water sources to maintain existing populations of Bull Trout, should they exist there currently. The project area has been a developed State of Montana lease site for a number of years and a highway and railroad line run through the immediate area. Any impacts to sensitive species have most likely already occurred and further significant impacts from these expanded commercial uses are not anticipated.

Table 1. Animal Species of Concern				
Brown Creeper (*Certhia americana*)	Bull Trout (*Salvelinus confluentus*)	Canada Lynx (*Lynx canadensis*)	Evening Grosbeak (*Coccothraustes vespertinus*)	Fisher (*Pekania pennanti*)
Grizzly Bear (*Ursus arctos*)	Harlequin Duck (*Histrionicus histrionicus*)	Pacific Wren (*Troglodytes pacificus*)	Pileated Woodpecker (*Dryocopus pileatus*)	Varied Thrush (*Ixoreus naevius*)
Western Toad (*Anaxyrus boreas*)	Westslope Cutthroat Trout (*Oncorhynchus clarkii lewisi*)	Wolverine (*Gulo gulo*)		

Table 2. Plant Species of Concern			
Alpine Glacier Poppy (*Papaver pygmaeum*)	Crested Shieldfern (*Dryopteris cristata*)	English Sundew (*Drosera anglica*)	Northern Bog Clubmoss (*Lycopodium inundatum*)
Pale Corydalis (*Corydalis sempervirens*)	Pod Grass (*Scheuchzeria palustris*)	Slender Cottongrass (*Eriophorum gracile*)	Whitebark Pine (*Pinus albicaulis*)

Determination: No significant impact.

Wetlands **-** *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: N/A, project does not involve wetlands or critical riparian habitats.

Ponds **-** *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

There is a small natural freshwater pond on the subject property that is at least partially fed by surface water flow from the spring. The spring development includes an overflow pipe that allows all water not diverted for use to continue on its natural flow path to the pond.

Determination: No significant impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

It is not anticipated that the proposed commercial use will have a negative impact on the soil quality, stability, or moisture content. The soils in the project area are Dystric Eutrochrepts, till substratum formed from till parent material. Dystric Eutrochrepts, till substratum, have high capacity to transmit water. Soils within the place of use are not likely susceptible to saline seep.

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Building construction and property development, and thus any impact to existing vegetation, has already occurred on the property. It is not anticipated that issuance of a water use permit will contribute to the establishment or spread of noxious weeds in the project area, especially since no landscaping irrigation will occur under this permit. Noxious weed prevention and control will be the responsibility of the landowner, who must follow all applicable noxious weed regulations.

Determination: No significant impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no impact to air quality associated with issuance of the proposed permit for beneficial use of groundwater.

Determination: No significant impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

The proposed appropriation occurs on a Montana State Board of Land Commissioners Trust Land Management Division lease site. The lease site has been developed for commercial use for a number of years already. The expansion of the commercial uses on the lease site and the

associated water use requirements will not degrade any known unique archeological or historical sites in the vicinity.

Determination: No significant impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses.

Determination: No significant impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The spring is being developed on leased state property. The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

HUMAN HEALTH - *Assess whether the proposed project impacts human health.*

No negative impact on human health is anticipated from this proposed use.

Determination: No significant impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified.

(*b)* *Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* None identified.

(*d)* *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. ***Describe any mitigation/stipulation measures:***

None.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the diversion of groundwater at this location.

Part III. Conclusion

1. ***Preferred Alternative***

Issue a water use permit if the Applicant proves the criteria in 85-20-401 MCA are met.

2. ***Comments and Responses***

None.

3. Finding:

*Yes___ No_**X**_ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain <u>why</u> the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Travis Wilson
Title: Water Resource Specialist
Date: March 23, 2021